

## SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0117 – Neill-Cochran House Museum

DISTRICT: 9

REQUEST: Approve second and third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 2310 San Gabriel Street (Waller Creek watershed) from family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning to neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning.

DEPARTMENT COMMENTS: No conditions were added by City Council.

OWNER: National Society of the Colonial Dames in Texas

AGENT: Neill-Cochran House Museum (Rowena Dasch)

DATE OF FIRST READING: First reading approved on January 26, 2017. Vote: 11-0

CITY COUNCIL HEARING DATE: February 16, 2017

CITY COUNCIL ACTION: 1<sup>st</sup> reading- 1/26/2017

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0117  
Neill-Cochran House Museum

**P.C. DATE:** December 13, 2016

**ADDRESS:** 2310 San Gabriel Street

**AREA:** 0.7572 Acres

**DISTRICT:** 9

**OWNER:** National Society of the Colonial Dames in Texas

**AGENT:** Neill-Cochran House Museum (Rowena Dasch)

**FROM:** SF-3-H-NP

**TO:** LR-H-CO-NP

**NEIGHBORHOOD PLAN AREA:** Central Austin Combined (West University)

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**WATERSHED:** Waller Creek

**TIA:** N/A

**DESIRED DEVELOPMENT ZONE:** Yes

### **SUMMARY STAFF RECOMMENDATION:**

Staff supports the request of neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning. The recommended conditional overlay would include the following:

1. Development on the property shall not exceed 2,000 vehicle trips per day.
2. The following land uses shall be prohibited:

Alternative financial services  
Consumer repair services  
Food sales  
General retail sales (convenience)  
Medical offices < 5,000 s.f.  
Pedicab storage and dispatch  
Personal services  
Plant nursery  
Restaurant (general)  
Service station  
Custom manufacturing  
Day care services (general)  
Communication services facilities  
Guidance services  
Hospital services (limited)  
Safety services

Consumer convenience services  
Financial services  
General retail sales (general)  
Medical offices > 5,000 s.f.  
Off-site accessory parking  
Personal improvement services  
Pet services  
Printing and publishing  
Restaurant (limited)  
Software development  
Day care services (commercial)  
Day care services (limited)  
Congregate living  
Hospital services (general)  
Residential treatment

### **HISTORIC LANDMARK COMMISSION RECOMMENDATION:**

November 21, 2016: *TO SUPPORT THE REZONING FROM SF-3-H-NP TO LR-H-CO-NP, AS RECOMMENDED BY STAFF, ON CONSENT (7-0). [A. Papavasiliou - 1<sup>st</sup>, E. Reed - 2<sup>nd</sup>, D. Whitworth, A. Panju, K. Koch, and M. Trevino - Absent]*

**PLANNING COMMISSION RECOMMENDATION:**

December 13, 2016: *TO GRANT REZONING FROM SF-3-H-NP TO LR-H-CO-NP, AS RECOMMENDED BY STAFF, ON CONSENT, (8-0) [P. Seegar- 1<sup>st</sup>, T. White- 2<sup>nd</sup>; A. Pineyro-DeHoyos, K. McGraw, T. Nuckols, J. Shieh- Absent]*

**ISSUES:**

The Neill-Cochran House Museum is located on a SF-3-NP zoned lot, and is allowed as a “grandfathered” land use. If developed today, the museum could be developed on the site as Cultural Services land use, a conditional land use which requires Planning Commission approval.

In Summer 2016, the museum tried to add a mobile food vendor to their property. During the permitting and licensing process, the vendor and museum realized that a minimum of neighborhood commercial (LR) zoning would be required to add any mobile food vendors to the site. The museum is still interested in the mobile food vendor option, which would require the rezoning.

No changes to the existing structures or land use of the Neill-Cochran House Museum are proposed. No modification or removal of the historic overlay (H-) designation is proposed. The property is owned by the National Society of the Colonial Dames of America in The State of Texas (NSCDA). The Neill-Cochran House Museum is listed on the National Register of Historic Places and is a Texas Historical Commission landmark.

**DEPARTMENT COMMENTS:**

This zoning case is located at the northwest corner of the intersection of San Gabriel Street and West 23<sup>rd</sup> Street. The property contains a two story historic house that is used as a museum, as well as accessory historic structures and parking. The property is zoned family residence-neighborhood plan (SF-3-NP). The property is located within the boundaries of the Central Austin Combined Neighborhood Plan Area. Surrounding land uses includes the headquarters of the Texas Federation of Womens’ Clubs to the north (CS-H-CO-NP), and apartments to the south, east and west (MF-4-CO-NP and MF-6-CO-NP). Please see *Exhibits A and B (Zoning Map and Aerial Map)*.

The Greek Revival house was built on 17.5 acres northwest of town for Washington and Mary Hill, although they never occupied it. The museum and related structures remain on 0.7572 acres of the original site. In 1856, it was leased to the Texas Asylum for the Blind. Abner Cook was the Architect. The House was later leased by Lt. Governor Fletcher Stockdale and, it is believed, former Provisional Governor Andrew J. Hamilton. At the end of the Civil War, Federal troops converted the House into a hospital. In 1876, the home was sold to Colonel Andrew Neill, a Confederate veteran. Neill lived there with his wife Jennie Chapman Neill, who stayed on after Neill's death and in 1893 rented the home to Judge Thomas Beauford Cochran. Cochran purchased the home outright in 1895 for his family and expanded and modernized the home. In 1958, the Cochran family sold the property to The National Society of the Colonial Dames of America in The State of Texas. The NSCDA operates the home today as a historic house museum. The Neill-Cochran House Museum was added to the National Register of Historic Places in 1970 and designated as a Texas Historical Commission landmark in 1966. *[Paraphrased from Wikipedia, “Neill-Cochran House,” [https://en.wikipedia.org/wiki/Neill-Cochran\\_House](https://en.wikipedia.org/wiki/Neill-Cochran_House)]*

Mobile food vending is not a defined land use in the Land Development Code, but is subject to a stand-alone ordinance that establishes licensing by the health authority, regulates hours of operation, distance from residential properties, noise levels, etc. (City Code Title 25, Sec. 2-812 – Mobile Food Establishments). In addition, a mobile food establishment is not considered a principal use, however, is permitted in all commercial and industrial zoning districts. The requested LR zoning district is the most restrictive commercial district that allows mobile food vending.

The property is already developed with cultural services land use, which is categorized as a civic use. Civic uses are allowed to have accessory uses in addition to the primary civic use (City Code Title 25, Sec. 2-897 – Accessory Uses for a Primary Civic Use). The property is permitted the following:

- (1) A dwelling unit that is occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service;
- (2) Refreshment stands and convenience food or beverage sales that serve a public assembly use;
- (3) Cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;
- (4) Gift shops, news stands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;
- (5) Parking facilities, except a facility located in an SF-6 or more restrictive zoning district may not exceed the minimum parking requirements; and
- (6) A columbarium that:
  - (a) is affiliated with a religious assembly use;
  - (b) occupies not more than 10 percent of the site area or 10,000 square feet, whichever is less;
  - (c) is oriented to the interior to the site; and
  - (d) is not visible from public rights-of-way.

Staff has received correspondence in support of the rezoning from the West University Neighborhood Association. Please see *Exhibit C (Correspondence)*.

### **STAFF RECOMMENDATION:**

Staff supports the request of neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning. The recommended conditional overlay would include a limit on the number of vehicular trips, as well as prohibiting many land uses

1. Development on the property shall not exceed 2,000 vehicle trips per day.
2. The following land uses shall be prohibited:

Alternative financial services	Consumer convenience services
Consumer repair services	Financial services
Food sales	General retail sales (general)
General retail sales (convenience)	Medical offices > 5,000 s.f.
Medical offices < 5,000 s.f.	Off-site accessory parking
Pedicab storage and dispatch	Personal improvement services
Personal services	Pet services
Plant nursery	Printing and publishing
Restaurant (general)	Restaurant (limited)
Service station	Software development
Custom manufacturing	Day care services (commercial)
Day care services (general)	Day care services (limited)
Communication services facilities	Congregate living
Guidance services	Hospital services (general)
Hospital services (limited)	Residential treatment
Safety services	

The subject property is located at West 23<sup>rd</sup> Street and San Gabriel Street, in an area that is a mix of multifamily and commercial zoning. The area also features several structures with a historic (H-) zoning designation. The LR zoning is less intense than the CS zoning immediately north of the site, and is compatible with the other commercial properties nearby, zoned with a mix of CS, GR, GO, and LO. The proposed LR is also compatible with the neighboring MF-4 and MF-6 zoning. A rezoning request would allow the museum to add uses that could increase revenue without detrimental impacts on the neighborhood. Additionally, no changes to any historical element are proposed; promoting the goal of historic preservation.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

As defined by City Code, Title 25, Section 2-97 - Neighborhood Commercial (LR) District Designation, "neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." This area is primarily multifamily and commercial, but on a scale with local streets, not major arterials. Single family is also clustered to the southwest. LR is well suited for the scale and uses in this neighborhood.

2. *Rezoning should not contribute to the over zoning of the area.*

LR zoning is less intensive than the zoning classifications on all of the immediately surrounding properties (zoned CS-H-CO-NP, CS-MU-CO-NP, MF-4-CO-NP, and MF-6-CO-NP).

3. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Other properties in the neighborhood have been granted commercial zoning, including historic properties.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-H-NP	Cultural services
<i>North</i>	CS-H-CO-NP	Administrative office
<i>South</i>	MF-4-CO-NP	Multifamily
<i>East</i>	CS-MU-CO-NP, MF-4-CO-NP	Multifamily
<i>West</i>	MF-4-CO-NP, MF-6-CO-NP	Multifamily

**NEIGHBORHOOD ORGANIZATIONS:**

CANPAC  
 Shoal Creek Conservancy  
 Austin Neighborhood Council  
 Friends of Austin Neighborhoods  
 Preservation Austin  
 AISD  
 Central Austin Community Development Corporation  
 The Original West University Neighborhood Association

SEL Texas  
 University Area Partners  
 Homeless Neighborhood Association  
 Austin Heritage Tree Foundation  
 SELTexas  
 Sierra Club, Austin Regional Group  
 Caswell Heights Neighborhood Association

**CITY COUNCIL DATE/ACTION:**

February 16, 2017:

January 26, 2017: This item was approved on first reading only, on consent, on Council Member Garza's motion, Council Member Renteria's second on an 11-0 vote.

December 15, 2016: This item was postponed to January 26, 2017 at the request of staff was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

**ORDINANCE READINGS:** 1<sup>st</sup> 1/26/2017 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
 e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 512-974-2122

**ADDITIONAL STAFF COMMENTS:****SITE PLAN**

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

**ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

**COMPREHENSIVE PLAN**

The rezoning tract is located in the Central Austin Combined (West University) Neighborhood Plan Area. The Future Land Use Map designates this property as Civic. The Civic FLUM category is defined as any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, and public and private schools. It also includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses. Zone LR is allowed in the 'Civic' FLUM category as long as the proposed use remains a 'civic' institutional land use. Any change of the land use that would not be classified as a civic, would require a neighborhood plan amendment. The following policies are taken from the neighborhood plan:

Goal 2 - Preserve the historic character and resources of the Central Austin Combined Neighborhood Planning Area neighborhoods;

Objective 2.1: Protect historic resources including buildings, bridges, gateways and other structures.

Recommendation 5 - As property owners of property that meets the historic landmark criteria request Landmark or historic designation, the neighborhoods will support the request.

Imagine Austin Comprehensive Plan (IACP) - The following IACP policies support historic preservation:

- LUT P38. Preserve and interpret historic resources (those objects, buildings, structures, sites, places, or districts with historic, cultural, or aesthetic significance) in Austin for residents and visitors.
- LUT P41. Protect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City.

- LUT P42. Retain the character of National Register and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character.

#### WATER UTILITY

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.





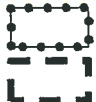
## ZONING

Case#: C14-2016-0117

EXHIBIT A



Subject Tract



Pending Case

Zoning Boundary

0 200 Feet

1" = 200'

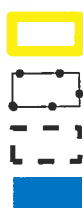
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This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 10/31/2016

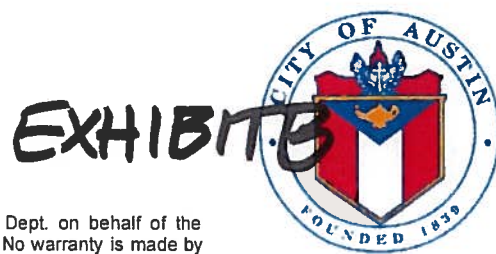




SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CREEK BUFFER

### ZONING

ZONING CASE#: C14-2016-0117  
LOCATION: 2310 San Gabriel  
SUBJECT AREA: .75 ACRES  
GRID: J24  
MANAGER: Heather Chaffin



1" = 100'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Oct 3, 2016

The Honorable Mayor Adler  
Members of the Austin City Council  
P.O Box 1088 Austin, Texas 78767-1088

**Re: Neill-Cochran House Museum rezoning application**

Dear Honorable Mayor, Mayor Pro-tem, and councilmembers:

I am writing as president of the Original West University Neighborhood Association (OWUNA) to express our support for the rezoning of the Neill-Cochran House Museum at 2310 San Gabriel Street from SF-3 H-CO-NP to LR-H-CO-NP. The Museum has been a supportive neighbor over the years and the neighborhood is happy to support an appropriate zoning change that will facility the long term viability of the historic structure. On our September 25<sup>th</sup> neighborhood meeting, the membership voted to support the application with 12 members in support and one abstention.

Sincerely,

Nuria Zaragoza  
President/OWUNA

**EXHIBIT C**

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2016-0117  
 Contact: Heather Chaffin, 512-974-2122  
 Public Hearing: Nov 21, 2016, Historic Landmark Commission  
 Dec 13, 2016, Planning Commission  
 Dec 15, 2016 City Council

Reza Daneshvar

Your Name (please print)

2216 San Gabriel #303 Austin TX 78705

Your address(es) affected by this application

M. Lynn D. L.

Signature

11/17/16

Date

Daytime Telephone: 713-932-0091

Comments:

I am in favor of preserving the historic building at 2310 San Gabriel Street, the subject of the rezoning. I understand that the proposed zoning change is consistent with the preservation of this building and therefore I am in favor of it. Thank you

If you use this form to comment, it may be returned to:

City of Austin  
 Planning & Zoning Department  
 Heather Chaffin  
 P. O. Box 1088  
 Austin, TX 78767-8810